PTO/SB/21 (09-04)
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Application Number 09/653,102-Conf. #4063 Filing Date **TRANSMITTAL** August 31, 2000 First Named Inventor **FORM** Mark A. Nordlicht Art Unit 3624 (to be used for all correspondence after initial filing) **Examiner Name** R. C. Weisberger **Attorney Docket Number** 04117/000K528-US0 Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)									
X Fee Transr	nittal Form	Drawing(s)		After Allowance Communication to TC					
X Fee	Attached	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences					
X Amendmer	nt/Reply	Petition		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)					
After	Final	Petition to Convert to a Provisional Application		Proprietary Information Status Letter					
Affida	avits/declaration(s)	Power of Attorney, Revocation Change of Correspondence							
X Extension of Time Request		Terminal Disclaimer		X Other Enclosure(s) (please Identify below):					
Express Abandonment Request		Request for Refund		Return Receipt Postcard					
Information Disclosure Statement		CD, Number of CD(s)		Foe Summary Shoet					
Certified Copy of Priority Document(s)		Landscape Table on CD							
Reply to Missing Parts/ Incomplete Application		Remarks							
Reply to Missing Parts under 37 CFR 1.52 or 1.53									
	SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT								
Firm Name	DARBY & DARBY P.C.								
Signature Sec Salker									
Printed name	Louis J. Delaujatce								
Date	April 6, 2006		Reg. No.	47,522					

Complete if Known

PTO/SB/17 (01-06)

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

For FY 2006 First Named Inventor Mark A. Nordlicht Examiner Name R. C. Weisberger	FEE TRANSMITTAL For FY 2006				Application Number (09/653,102-Conf. #4063			
Examiner Name R. C. Weisberger Art Unit 3624 TOTAL AMOUNT OF PAYMENT (\$\$ \$795.00 Attorney Docket No. 04117/000K528-US0 METHOD OF PAYMENT (check all that apply) Check					Filing Date		August 31, 2000			
Applicant claims small entity status. See 37 CFR 1.27					First Named Inventor		Mark A. Nordlicht			
METHOD OF PAYMENT (s) \$795.00 Attorney Docket No. 04117/000K528-USO					Examiner Name F		R. C. Weisberger			
METHOD OF PAYMENT (check all that apply) X Check	X Applicant claims small entity status. See 37 CFR 1.27				Art Unit		3624			
X Check Credit Card Money Order None Other (please identify):	TOTAL AMOUNT OF PA	YMENT	(\$) \$795.0	0	Attorney Docket	No.	04117/000K528-US0			
Deposit Account Deposit Account Number: Q4-0100 Deposit Account Name: Darby & Darby & Darby P.C. For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filling fee (s) charge any additional fee(s) or underpayment of Cardina (s) Credit any overpayments FEC CALCULATION (All the fees below are due upon filling or may be subject to a surcharge.) 1. BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES Small Entity Application Type Fee (\$) Fee	METHOD OF PAYME	NT (check all t	hat apply)							
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	Signature	WIK				47,522	Telephone	(212) 52	7-7791	
	Name (Print/Type) Louis J.	DelJudice					Date	April 6,	2006	

Acation No. (if known): 09/653,102

Attorney Docket No.: 04117/000K528-US0

Telephone Number

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV 762808247 US in an envelope addressed to:

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

April 6, 2006 Date

Registration Number, if applicable

Un 1	
Signature Nancy Joyce Simmons	
Typed or printed name of person signing Certificate	
212-527-7700	

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Four Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page) Transmittal Letter (PTO SB 21) (1 page)

Fee Transmittal Sheet (1 page); Fee Summary Sheet (1 page)

Response to Office Communication Under 37 C.F.R. § 1.105 (4 pages)

Check No.: ///.55 in the amount of \$795.00

Return Postcard



Docket No.: 04117/000K528-US0

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mark A. Nordlicht et al.

Application No.: 09/653,102 Confirmation No.: 4063

Filed: August 31, 2000 Art Unit: 3624

For: SYSTEM AND METHOD FOR REAL-TIME

OPTIONS TRADING OVER A COMPUTER

NETWORK

Examiner: R. C. Weisberger

RESPONSE TO OFFICE COMMUNICATION UNDER 37 CFR § 1.105

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants herewith file a response to the Office Communication dated October 6, 2005 (Paper No. 09052005). The Examiner has requested Applicants to provide answers to the following interrogatories:

Question A: Name the real party of interest (the assignee) of this application.

Answer A: The name of the real party of interest is Optionable, Inc., the assignee of the present application.

Question B: Is the assignee familiar with the designation independent software provider (ISV)?

Answer B: Yes, the Assignee is familiar with the designation Independent Software Provider (ISV). However, ISV has a particular meaning in the financial trading software art and is typically limited to providers of front end GUIs for back end trading platforms.

Question C: Does the assignee market itself as an ISV?

Answer C: No, the Assignee does not market itself as an ISV. Assignee markets itself as a provider of both a front end and back end trading platform.

Question D: Is the assignee familiar with the term front end trading platform?

Answer D: Yes, the Assignee is familiar with the term front end trading platform.

Question E: Does the assignee product [sic "produce"] and/or market front end trading platforms?

Answer E: Yes, the Assignee produces and/or markets a front end trading platform as part of a total system that includes both a front end and a back end trading platform.

Question F(a): Does the applicant use and/or market a front end application that is certified with the Chicago Board of Trade or other options exchange(s)?

Answer F(a): No, the Assignee does not use and/or market a front end application that is certified with the Chicago Board of Trade or any other options exchanges. However, the Assignee is authorized to submit trades submitted and matched on the assignee's

back end system to the New York Mercantile Exchange (NYMEX) for consummation.

Question F(b): If yes, under what name is the application known?

Answer F(b): The application is known as OPEX.

Question G(a): Does the applicant use and/or market a ISV that is certified with the Chicago Board of Trade or other options exchange(s)?

Answer G(a): No, the Assignee does not use and/or market an ISV that is certified with the Chicago Board of Trade or any other options exchanges. As defined above, the Assignee markets a system that is both a front end and back end trading platform.

That system can submit trades submitted and matched on the system to the New York Mercantile Exchange (NYMEX) for consummation.

Question G(b): If so, under what name is the ISV known?

Answer G(b): N/A

Question H: Is assignee aware of an ISV or front end trading platform that includes the features as described in any of the independent claims?

Answer H: The Assignee is generally aware of certain front end platforms that have some of the elements of the independent claims. A general, non-inclusive list of the front end platforms and/or the ISV that provides such platforms includes ProOpticus,

OptionsXpress.com, Interactive Broker and Cybertrader.com. Certain elements in the independent claims of the invention are performed by back end trading platforms, one of which may be Intercontinental Exchange.

Question I(a): Has the assignee marketed an ISV or front end trading platform that includes the features as described in any of the independent claims?

Answer I(a): Yes, the Assignee has marketed a front end trading platform combined with a back end trading platform that includes the features described in one or more of the independent claims.

Question I(b): If so, what is the name of the system?

Answer I(b): The name of the system is OPEX.

Dated: April 6, 2006

Respectfully submitted

Louis J. DelJuidice

Registration No.: 47,522 DARBY & DARBY P.C.

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